



CABINET – 6 FEBRUARY 2008

PORTFOLIO : PLANNING & TRANSPORTATION

PROPOSED MOTION TO THE LOCAL GOVERNMENT ASSOCIATION CONCERNING HEAVY GOODS VEHICLE LICENSING APPLICATIONS

1. INTRODUCTION

1.1 On 17th December 2007 Councillor Shotter moved a motion at Full Council regarding the extent of the consultation carried out by the Traffic Commissioners prior to considering Heavy Goods Vehicle Licence Applications and the considerations that could be taken into account by their Inspectors prior to a decision being made.

1.2 The motion read:-

"I propose that New Forest District Council should call on the Local Government Association to make representations to Central Government to review the rules that Government Inspectors use when dealing with applications for Site Operators Licences. In view of the fact that Inspectors only consider the suitability of the site, the Government should:-

(1) Widen the powers of Inspectors so that they may give consideration to the impact on the local road network and on the local environment; and

(2) That the consultative stage be extended to include representations from District, Parish and own Councils (at present only owners of neighbouring properties may comment)"

1.3 In accordance with Standing Order 41 the motion was unanimously referred without discussion to the Cabinet for consideration.

2. THE CURRENT SITUATION

2.1 At present the Council accesses a list specifying all Heavy Goods Vehicle Operators Licence applications received by the Traffic Commissioners. Environmental Health and Planning Enforcement identify and then review the applications regarding sites within the District, and Ward Members are advised by e mail as to the existence of an application together with information on how to comment. This process both alerts local Members as to an application and allows Officers to decide whether any environmental issues arise that they could object on. The list is available on the Traffic Commissioners website and will be supplied (on payment of a subscription) to anyone who requests it. The only other consultation requirement is that a notice has to be placed in a local newspaper as part of making an application.

2.2 However as is made clear in the legislation the relevant environmental issues are strictly limited to topics such as noise, fumes, pollution, vibration and visual intrusion. Generally these concerns are related to the activities on site and it is clear that other topics, notably highway safety and or congestion on the public highway, are

excluded. The Council could also object if it has concerns re the fitness, finance or competence of the operator but it is hard to see how these would be relevant issues. Guidance on objecting to a Licence Application and the relevant considerations provided by the Traffic Commissionaires is attached as Appendix One to this report.

- 2.3 The current legislation means that under the present system the Council cannot effectively raise concerns to support resident issues regarding proposed licences and in particular off site or highway issues. This situation recently arose concerning additional licences being applied for at Eling Wharf at Totton. In the face of vociferous and understandable concerns regarding the adequacy of the roads leading to the site entrance and the problems caused by lorries attempting to manoeuvre the Council sought specialist legal advice as to whether it could object. The advice received was that notwithstanding the severity of the issues it was not seen an objection could be made as the concerns failed to relate to the relevant concerns.
- 2.4 The experience of Council Planning Officers who have objected at Goods Vehicle Licence Application Inquires for both this Council and elsewhere is that such objections do not prevail despite the huge amount of work and effort put in. This being the case it is current normal practice that no objections on planning grounds are made and environmental health concerns are only put forward when it is considered that the operation of the site would cause or have the potential to cause an adverse impact on neighbouring property by virtue of noise, fumes or air quality issues.

3. COMMENTS ON THE PROPOSED MOTION

- 3.1 The proposed motion would significantly widen the relevant considerations in terms of highways and environmental impact and would have an impact on Officer time in terms of objecting to applications and attending inquiries to support the concerns raised.
- 3.2 Concerning the highways issues it has to be remembered that the control of vehicles on the highway in terms of traffic management is already dealt with by the Highway Authority (The County Council) who can carry out works or impose controls to overcome issues as they arise. Notwithstanding this it is felt that the adequacy of the access roads to any site is a proper consideration when Applications are being considered and an extension of the relevant criteria in this respect should be sought.
- 3.3 In terms of the environmental issues Environmental Health can already comment if they feel noise, fumes, vibration etc. would be an issue but the fact is such applications rarely involve such an increase in activities that means this will be a relevant course of action. However a widening of the relevant issues would assist in helping the Council support residents where any Application is going to cause problems, particularly if they will adversely impact on any existing or likely Air Quality Management Areas in the District.

3.4 Regarding the consultations it is felt that an undue emphasis is placed on the Council and particularly adjoining occupiers and owners to monitor web sites or the newspapers to identify relevant applications. It is felt that a specific consultation of those bodies that can comment by the Commissioners should be a requirement as should notification by them by letter of residents who adjoin an application site together with the display by the Commissioners' or the applicants of a site notice. These arrangements would lead to similar level of publication as that carried out for a planning application and this is felt to be a fully proportionate response.

4. CONCLUSIONS

4.1 In conclusion it is clear that the Heavy Goods Vehicle Licensing Process is intended to run in parallel with other controls. Generally this is not an issue given the extent of these controls albeit exceptionally it means that residents who have valid objections feel let down in terms of the lack of support they receive. In view of this it is felt that the first part of the motion should be supported. In addition it is considered that additional consultation requirements should be supported so that local residents and the relevant bodies are aware as to exactly what is proposed.

5. CRIME AND DISORDER IMPLICATIONS

5.1 There are no crime and disorder implications arising directly from this report.

6. ENVIRONMENTAL IMPLICATIONS

6.1 Any extension of the issues relevant to the consideration of Heavy Goods Vehicle Applications would increase the ability of the Council to ensure the high environmental standards in the District are maintained.

7. EQUALITY AND DIVERSITY IMPLICATIONS

7.1 There are no equality and diversity issues arising directly from the report.

8. PORTFOLIO HOLDER COMMENTS

8.1 The Planning and Transportation Portfolio Holder supports the recommendations as detailed below.

9. RECOMMENDATIONS

9.1 It is recommended that members:-

- (a) support the motion with respect to both the additional consultation requirements and the widening of the powers available to Inspectors in determining applications.

- (b) agree that until such times as the powers of Inspectors are widened endorse the current processes in place at New Forest District Council in terms of the consultations carried out by the Council and the generally limited input by Council Officers in terms of contesting applications made.

For Further Information Contact:

David Groom
Development Control
Telephone: (023) 8028 5254
E-mail: david.groom@nfdc.gov.uk

Background Papers:

Traffic Commissioners
advice on objecting to HGV
applications